

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

IN RE:)
) Chapter 7
BILL DOUGLAS GOLDEN,) Case Number 17-50849
)
Debtor.)
)
JUDY A. ROBBINS,)
United States Trustee For Region Four,)
)
Movant,)
)
v.)
)
)
BILL DOUGLAS GOLDEN,)
)
Respondent.)

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing on this Motion will be held on December 20, 2017 at 10:00 a.m. in the United States Bankruptcy Court in Harrisonburg, Virginia, 116 North Main St., Harrisonburg, Virginia 22802.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

MOTION FOR AN ORDER AUTHORIZING RULE 2004 EXAMINATIONS AND THE ISSUANCE OF SUBPOENAS

Judy A. Robbins, United States Trustee for Region Four, by counsel, moves the Court pursuant to §§ 105(a), 307, and 727 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”), and Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for entry of the proposed order attached as Exhibit 1: (i) authorizing the United States Trustee to conduct Rule 2004 examinations of the above-referenced Debtor; (ii) directing the Debtor to appear at a Rule 2004 examination; (iii) and authorizing the United States

Trustee to issue subpoenas for the production of documents. In support of this motion, the United States Trustee respectfully states as follows:

General Background

1. The United States Trustee is a Department of Justice official charged with, among other things, supervising bankruptcy case administration. 28 U.S.C. § 586(a)(3). United States Trustees “serve as bankruptcy watch-dogs to prevent fraud, dishonesty, and overreaching in the bankruptcy arena.” H.R. Rep. No. 95-595, at 88 (1977), reprinted in 1978 U.S.C.C.A.N. 5963, 6049; *In re A-1 Trash Pickup, Inc.*, 802 F.2d 774, 775 (4th Cir. 1986). The United States Trustee is authorized to file a complaint objecting to the Debtor’s discharge. 11 U.S.C. § 727(c)(1).

2. On September 8, 2017, the Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code. The Debtor is proceeding *pro se*.

3. The first meeting of creditors was conducted on October 24, 2017.

4. Contemporaneously with the filing of this Motion, the United States Trustee has filed a Motion seeking to extend the time to object to the discharge to March 30, 2018.

5. The Debtor filed schedules and statements in support of the petition. The schedules, statements, and amendments thereto filed by or on behalf of the Debtor are incorporated by reference.

6. The United States Trustee wishes to conduct a Rule 2004 examination regarding the Debtor’s schedules, disclosure of certain assets, amended schedules filed in the case and the Debtor’s pre-petition financial transactions.

Basis For Relief

7. The Bankruptcy Rules provide, “[o]n motion of any party in interest, the court may order the examination of any entity,” Fed. R. Bankr. P. 2004(a), and the examination may related to:

acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge.

Fed. R. Bankr. P. 2004(b).

8. The Court may order the Debtor to be examined pursuant to Rule 2004. Fed. R. Bank. P. 2004(d).

9. An order authorizing a Rule 2004 examination may be entered ex parte. *In re Wilcher*, 56 B.R. 428, 434 (Bankr. N.D. Ill. 1985).

10. The United States Trustee desires to examine the Debtor regarding, among other things, property of the estate, oaths made in connection with this case, sources of income, prepetition transactions, disclosure of transactions, amended schedules and other documents filed with the Court and other matters affecting the administration of the Debtor’s estate. The United States Trustee requests the authority to issue a subpoena to compel the attendance of the Debtor and third-parties at a Rule 2004 examination. The United States Trustee may also wish to review financial documents and requests the authority to issue subpoenas for documents on the Debtor and third-parties.

11. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2).

12. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.

13. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

WHEREFORE, Judy A. Robbins, by counsel, respectfully requests this Court enter the attached proposed order and grant such other and further relief and this Court shall deem appropriate.

Date: December 6, 2017

Respectfully submitted,

United States Trustee

By: /s/ B. Webb King

Margaret K. Garber (VSB # 34412)
Assistant United States Trustee
B. Webb King (VSB # 47044)
Trial Attorney
210 First Street, Suite 505
Roanoke, Virginia 24011
540-857-2806
Webb.King@usdoj.gov
Margaret.K.Garber@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on December 6, 2017, I caused the foregoing to be electronically filed with the United States Bankruptcy Court for the Western District of Virginia which caused electronic notifications of filing to be served on all registered users of the CM/ECF System that have appeared in this case. I also mailed a copy to the Debtor at the address on file with the Bankruptcy Court as follows:

Bill Douglas Golden
680 Phillip Street
Staunton, Virginia 24401

/s/ B. Webb King

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
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**ORDER AUTHORIZING RULE 2004 EXAMINATIONS AND
THE ISSUANCE OF SUBPOENAS**

The matter before the Court is the *Motion For An Order Authorizing Rule 2004 Examinations And The Issuance Of Subpoenas*. It appearing proper to do so, it is

ORDERED

that the motion is GRANTED. It is further

ORDERED

that the Debtor shall appear at an examination to be conducted pursuant to Fed. R. Bankr. P. 2004 a mutually agreeably place, date, and time noticed by the United States Trustee. It is further

ORDERED

that the United States Trustee is authorized to issue subpoenas to compel the production of documents and the attendance of witnesses, including subpoenas issued to the Debtor.

The Clerk is directed to send electronic notifications of the entry of this Order to all registered users of the CM/ECF System that have appeared in this case, the United States Trustee shall mail a copy to the Debtor at his address on file with the Bankruptcy Court and file a Certificate of Service and no further service shall be necessary.

ENTER:_____

United States Bankruptcy Judge

REQUESTED:

United States Trustee for Region Four

/s/ B. Webb King

Margaret K. Garber (VSB # 34412)

Assistant United States Trustee

B. Webb King (VSB # 47044)

Trial Attorney

210 First Street, Suite 505

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